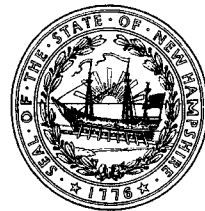




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 22, 2004

**Certified Mail
Return Receipt Requested**

**Letter of Deficiency
No. WMD 04-12**

Dan Marsh
d/b/a Jet Star Enterprises
2280 Dartmouth College Highway
Haverhill, NH 03774

SUBJECT: HWC 04-006; 2280 Dartmouth College Highway, Haverhill, NH

Dear Mr. Marsh:

On March 1, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection ("Inspection") of your property located at 2280 Dartmouth College Highway, Haverhill, NH ("Site"). The purpose of the Inspection was to determine your compliance status with RSA 147-A, RSA 149-M, and rules adopted pursuant thereto relative to the proper management of hazardous waste and solid waste.

During the Inspection, DES personnel learned or observed the following:

1. Mr. Marsh operates a towing company and a vehicle repair shop at the Site. These activities are creating an impound lot and junk yard for parts.
2. Two unsealed 55-gallon drums of used oil. One drum was not labeled and the other drum was labeled "car oil". Env-Wm 807.06(b)(5) requires that containers of used oil destined for recycle be clearly labeled with the words "Used Oil for Recycle". Also, Env-Wm 807.06(b)(5) requires that containers of used oil destined for recycle be sealed except when adding or removing used oil from the containers.
3. Two unsealed and unlabeled drums of antifreeze. Env-Wm 1102.03(c)(1) requires that containers of universal waste (antifreeze) be sealed except when adding or removing universal waste from the containers. Also, Env-Wm 1114.04 requires that containers of antifreeze be labeled with the words "Universal Waste-Antifreeze", "Waste Antifreeze", or "Used Antifreeze".
4. Lead-acid batteries stored uncovered, outdoors in the bed of a pick-up truck. Env-Wm 809.02 requires that lead-acid batteries be stored in a manner to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters.

5. Approximately 300 scrap tires stored on a hill at the back of the Site. Env-Wm 2605.02(b) requires tires that are stored outdoors to be stored in one of the following manners:

- a. In covered trailers;
- b. In transfer containers; or
- c. In stockpiles as follows:
 - (1) The diameter of the piles shall not exceed 25 feet;
 - (2) The height of the piles shall not exceed 15 feet;
 - (3) Fire lanes no less than 25 feet in width shall be maintained around each pile;
 - (4) Each pile shall have a berm with a minimum height of 12 inches constructed around its perimeter capable of containing any pyrolitic oils or other liquids generated by fire; and
 - (5) The stockpiling facility shall have equipment, cover material and other supplies, including water, sufficient to control a fire until the nearest fire company capable of extinguishing the fire arrives.

During a follow-up inspection conducted on March 20, 2004, DES personnel learned or observed the following:

- 1. The drums of used oil noted during the Inspection were now sealed and labeled in accordance with Env-Wm 807.06(b)(4)&(5).
- 2. The drums of antifreeze noted during the Inspection were now sealed and labeled in accordance with Env-Wm 1102.03(c)(1) and Env-Wm 1114.04.
- 3. Scrap tires were being collected and staged in two areas at the Site. Neither area was in compliance with the outdoor tire storage requirements. Scrap tires were also observed scattered around the Site.
- 4. Lead-acid batteries stored in the bed of a pick-up truck and on the ground next to the truck.
- 5. An area of petroleum stained soil approximately 3 feet by 15 feet in size. Env-Wm 513.02 requires that a discharge of hazardous waste or any discharge of material which, when discharged becomes a hazardous waste, be immediately contained and cleaned-up.

During a follow-up inspection conducted on May 11, 2004, DES personnel learned or observed the following:

- 1. The scrap tire piles were not in compliance with the outdoor tire storage requirements.
- 2. Lead-acid batteries were now being stored in a van at the Site. Several lead-acid batteries were observed near one of the tire piles.
- 3. The petroleum stained soil observed during the March 20, 2004 follow-up inspection remained.

On May 14, 2004, Mr. Marsh contacted DES and left a message stating that the petroleum stained soil had been cleaned-up and that the batteries were now stored in accordance with the regulations.

During a follow-up inspection conducted on July 1, 2004, DES personnel learned or observed the following:

1. The scrap tire piles were not stored in compliance with the outdoor tire storage requirements.
2. The area of stained soil has been cleaned-up.

DES believes that the cited deficiencies can be corrected by completing the following requested actions within the time indicated:

1. Ensure that all used oil containers are sealed. **This deficiency has been corrected.**
2. Ensure that used oil containers are clearly labeled with the words "Used Oil for Recycle". **This deficiency has been corrected.**
3. Ensure that lead-acid batteries be stored in a manner to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters. **This deficiency has been corrected.**
4. Ensure that containers of antifreeze are sealed. **This deficiency has been corrected.**
5. Ensure that containers of antifreeze are labeled with the words "Universal Waste-Antifreeze", "Waste Antifreeze", or "Used Antifreeze". **This deficiency has been corrected.**
6. Ensure that stained soil is containerized and cleaned-up. **This deficiency has been corrected.**
7. **Within 14 days** the date of this letter, ensure that all tires at the Site are stored in accordance with Env-Wm 2605.02.
8. **Within 20 days** of the date of this letter, submit to DES written confirmation that these steps have been completed at the address below.

Please address all correspondence and reports regarding this matter to:

Michael Galuszka, Waste Management Specialist
Department of Environmental Services
80 Glen Road
Gorham, NH 03581
Fax: (603) 466-5148

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 466-5389 if you have any questions or need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Sills", is written over a large, bold, black-outlined word "COPY".

Michael A. Sills, Ph.D., P.E.

Acting Administrator

Waste Management Programs

cc: DB/File
Anthony P. Giunta, P.G., Director, WMD
Gretchen R. Hamel, Legal Unit Administrator
Don J. Hammond, Fire Chief, Haverhill, NH